



In the United States Patent and Trademark Office

Application No.:

09/834,744

Filed:

April, 21, 2001

Title:

MEMS MIRRORS WITH PRECISION CLAMPING MECHANISM

Applicant:

Behrang Behin et al

Examiner:

Elizabeth M. Keaney

Art Unit

2882

Express Mail Label # E0047416981 USMailed 9/29/2004
Fremont, CA

Information Disclosure Statement

10/04/2004 HLE333 00000049 09834744

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180.00 OP

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record. As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

It is requested that the document(s) on the enclosed form be made of record.

Part I (Authority)

This statement is filed pursuant to:

 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing date of a first office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$180), or a certification according to 37 C.F.R. § 1.97(e).

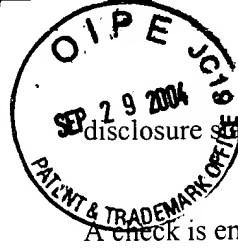
 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c). Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$180) and a certification according to 37 C.F.R. § 1.97(e).

Conditional Petition

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). Please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.



To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

Part II (Payment)

A check is enclosed as indicated:

- No fee is due.
- The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$180).
- The petition fee specified in 37 C.F.R. § 1.17(p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$180).

Part III (Certification)

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- No certification is necessary.
- (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
- (2) The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
- (3) The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

Part IV (Additional Statement)

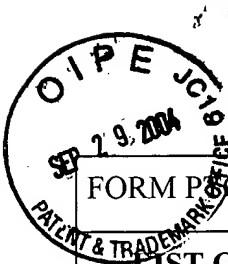
An additional statement regarding these items of information () is, (X) is not, enclosed.

- (X) Copies of the cited art references _____ are enclosed,
- () Copies of the cited art references _____ are of record in parent application Serial No. _____ and will be provided if the Examiner deems it convenient.
- () Copies of the cited art references _____ are not required under 37 CFR 1.98(a)(2)(i) because they are U.S. Patents and/or U.S. Patent Publications and
- () the present application was filed after June 30, 2003, or
- () the present application is an international application that entered the national stage under 35 USC 371 after June 30, 2003.

Dated: 9/29/2004

Respectfully submitted,

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE

ATTY. DOCKET NO.
ONX-115ASERIAL NO.
09/834,744**LIST OF PRIOR ART CITED BY APPLICANT**
(Use several sheets if necessary)APPLICANT
Behrang Behin et alFILING DATE
April, 21, 2001GROUP
2882**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
A	6,538,799	3/25/2003	McClelland et al.	359	291	1/3/2001
B						
C						
D						
E						
F						
G						
H						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
I							
J							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

K		
L		
M		
N		

EXAMINER	DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.